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October 20, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

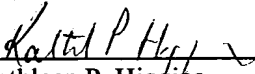
In re application of D. Goring and N. Silva
U.S. Application No. 10/069,304
Filed February 19, 2002
Proline-rich Extensin-like Receptor Kinases

Group No. 1638
Examiner C. Collins

(Atty. Docket No. P 25,762 USA)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Wednesday, October 20, 2004.


Kathleen P. Higgins

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION
UNDER 37 CFR §1.143 OF THE EXAMINER'S
REQUIREMENT FOR RESTRICTION, DATED JULY 20, 2004**

Sir:

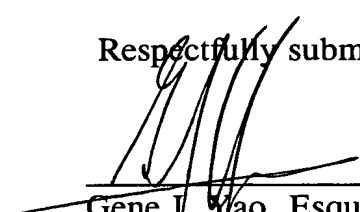
In response to the Examiner's Requirement for Restriction of July 20, 2004 applicants elect provisionally, with traverse, the Group I claims (Claims 1 to 14, 19 to 21, 23, and 25), drawn to an isolated nucleic acid molecule, a vector, a host cell, and a plant.

Applicants traverse, however, the Examiner's Requirement. As the Examiner is aware, the present application is a U.S. national stage filing of a PCT application and, therefore, the PCT's unity of invention standard applies. Under Rule 13.4 and as advised in the MPEP at Section 1850, unity of invention is considered only in relation to "independent claims" and not with respect to "dependent claims". A "dependent claim" is defined as being a claim containing all the elements of another claim (e.g., the independent claim) and as being in the same category as that claim (e.g., being both directed to a product as opposed to one being directed to a product and another to a process). In the present case, the Group II claim (Claim 28) is dependent from Claim 1 (a Group I claim) and is of the same category as Claim 1 (a product claim). Accordingly, the claims of Group I and II share unity of invention.

In view of the foregoing, an early and favorable Action is requested respectfully.

This Request is accompanied by a Petition for Extension of Time to respond to the Examiner's Action.

Respectfully submitted,



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